

HOUSE BILL 1688

By Holsclaw

AN ACT to amend Tennessee Code Annotated, Title 57,
relative to alcoholic beverages.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 57, Chapter 3, Part 2, is amended by
adding the following new section:

(1) There is created a common carrier license to be issued by the commission to a person, firm, or corporation that transports goods for a fee and maintains a regularly established schedule of service within this state to transport wine from a licensee under § 57-3-217 or § 57-3-415 directly to the citizens of this state over twenty-one (21) years of age. A common carrier shall obtain a separate license for each separate warehouse at which a common carrier maintains physical possession of wine. Each applicant shall pay to the commission a one-time, nonrefundable fee in the amount of three hundred dollars (\$300) when the application is submitted for review. The commission shall not issue a license under this section until the applicant has paid to the commission the annual license fee of five hundred dollars (\$500).

(2) A common carrier shall only transport wine to individuals over twenty-one (21) years of age and in accordance with §§ 57-3-217 and 57-3-415. It is a violation for a common carrier, or the employees, agents, or contractors of the common carrier, to not inspect a valid, government-issued identification for proof the individual is twenty-one (21) years of age or older upon the time of final delivery to the individual.

(3) This section does not apply to common carriers regulated under 49 U.S.C. §§ 10101 et seq., or to rail trailer-on-flatcar/container-on-flatcar (TOFC/COFC) service, as defined in 49 CFR § 1090.1, or highway TOFC/COFC service provided by a rail

carrier, either itself or jointly with a motor carrier, as part of continuous intermodal freight transportation, including, without limitation, any other TOFC/COFC transportation as defined under federal law.

(4) Licensed premises must be maintained to prevent unauthorized activities.

The commission may make such investigations and inspections as necessary to administer this section.

SECTION 2. Tennessee Code Annotated, Section 57-3-217, is amended by deleting subsection (g).

SECTION 3. Tennessee Code Annotated, Title 57, Chapter 3, Part 4, is amended by adding the following as a new section:

(a)

(1) It is an offense for a person to ship alcoholic beverages or beer to residents of this state without a license authorizing such activity.

(2) A violation of subdivision (a)(1) is a Class E felony, punishable by a fine only.

(b)

(1) It is an offense for a person to deliver alcoholic beverages or beer to an individual in this state without a face-to-face delivery, without checking the individual's valid, government-issued identification for proof that the individual is twenty-one (21) years of age or older, and without obtaining a signature from the individual.

(2) A violation of subdivision (b)(1) is a Class B misdemeanor, punishable by fine only.

SECTION 4. For the purposes of promulgating rules, this act takes effect upon becoming a law, the public welfare requiring it. Sections 2 and 3 of this act take effect upon

becoming a law, the public welfare requiring it. For all other purposes, this act takes effect January 1, 2023, the public welfare requiring it.